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C O N F I D E N T I A L SECTION 01 OF 02 MANAMA 000973

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KHUM](#) [BA](#) [HUMRIT](#) [POL](#) [REFORM](#)  
SUBJECT: COUNCIL OF REPRESENTATIVES PASSES CONTROVERSIAL  
PUBLIC GATHERING LAW

REF: A. MANAMA 184  
[1](#)B. 2005 MANAMA 1910

Classified By: A/DCM Steve Bondy for reasons 1.4 (b) and (d).

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Summary  
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[1](#)1. (C) Bahrain's Council of Representatives (COR) passed public assembly legislation May 16, following two years of back-and-forth between the COR and government. These amendments to the 1973 law on public gatherings ban demonstrations near hospitals, airports, shopping malls, and other areas specified by the Ministry of Interior. The COR removed the word "processions" from the legislation in deference to Shi'a concern that the GOB might have used the legislation to restrict religious observances and processions during Ramadan and Ashura. Although the current system of notification, vice obtaining permission, before a demonstration proceeds is maintained, the legislation gives the head of Public Security increased authority to disapprove events at least 48 hours in advance. A group of political societies released a joint press statement expressing their concern about diminishing freedom in the country and the lack of consultation on the legislation between the parliament and civil and political society groups. On May 22 the Shura Council Foreign Affairs, Defense, and National Security Committee declared that it would consult such groups before sending the legislation to the full Shura Council for discussion. End Summary.

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Long Process, Quick Approval  
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[1](#)2. (C) Following an unexpectedly short but lively debate, members of the COR voted May 16 to pass new amendments to 1973 legislation on public gatherings and demonstrations. This vote culminated nearly two years of public debate on the need for new legislation regulating public assembly. According to Shi'a Islamic bloc MP Mohamed Al Alshaikh, the government first introduced an entirely new draft law governing assembly late in the second (2003-2004) legislative term. Before the COR was to begin full parliamentary discussion on the law in the third legislative term (2004-2005), the government retracted the draft due to indications there would be very little COR support for the legislation. In January 2006, the government reintroduced legislation in the form of amendments to the 1973 law rather than a separate piece of new legislation. Al Alshaikh reported that the recent amendments contained much of the controversial content of the retracted legislation. However, he said, the COR Foreign Affairs, Defense, and National Security Committee, of which he is a member, debated the new amendments for only two hours and discussion in the full COR

lasted no more than three hours. Al Alshaikh expressed his displeasure at the way these amendments have been pushed through without adequate consideration.

¶3. (U) The legislation will next be considered by the Shura (Consultative) Council, then passed to the Cabinet for final approval. The new legislation bans demonstrations in areas near hospitals, airports, shopping malls, or areas designated as security zones by the Ministry of Interior. Although initially included on the list of restricted areas, demonstrations on main roads or near diplomatic missions and international organizations are permitted. The word "processions" (mawakib) was removed from the legislation, over the objection of Al Asala (Salafi) bloc members, softening concern from the Shi'a community that the law might permit the government to interfere in annual Shi'a religious processions during Ramadan and Ashura.

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Complaints of Restricting Public Freedom  
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¶4. (U) A minimum of three organizers, all residents of the area in which the demonstration is to take place, must notify the head of Public Security three days prior to the event, specifying the time, place and reasons for the event, but there is no requirement to wait for permission before the event can proceed. However, the legislation grants the head of Public Security the authority to stop any demonstration with a notification to the organizers no later than two days prior to the event. Demonstration planners have the right to appeal any such decision within 15 days. Seven political societies issued a joint press release May 19 objecting to the authority the legislation gives to government officials

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to control demonstrations and urging all civil and political societies to speak out against the legislation. The societies accused the COR of giving undue consideration to security issues at the expense of public freedom and expressed their regret that the COR did not consult them about their concerns.

¶5. (C) Al Meethaq Political Society Chairman Ahmed Juma told EmbOff May 20 that there is a need for legislation that regulates and organizes public gatherings, but it should not restrict freedom of expression. He said that some articles in the new legislation restrict this freedom and are therefore unconstitutional. He hoped the Shura Council would meet with political societies that have reservations about the amendments and listen to their suggestions for changes. Head of Al Wifaq foreign affairs committee Sayed Saeed Al Majid told EmbOff that he is not surprised at the COR's lack of action to protect freedoms based on its general lack of commitment to reform. On the other hand, "Members of the Shura have shown that they are more experienced and realistic than members in the COR, so they will amend some of the restrictions in the law."

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Shura Members Agree to Consult  
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¶6. (U) The Shura Council Foreign Affairs, Defense, and National Security Committee announced publicly May 22 that the committee would not send the draft legislation to the full Shura for discussion before the committee sits down with representatives of political societies to hear their concerns about the public gathering law. Chairman of the committee Shaikh Khalid Bin Khalifa Al Khalifa said that in addition to meeting with representatives from civil society groups and political societies, members of the committee would research similar legislation in other countries. "We will not rush (this legislation) but will review all issues thoroughly to ensure that the law will not harm the public," Shaikh Khalid said.

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Comment  
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17. (C) The amending of assembly legislation has been a topic of discussion for three legislative sessions, picking up particular momentum in the wake of the conviction and sentencing of 19 individuals over the disturbance and damage at the Bahrain international airport in late December 2005 (reftels). There was reportedly not enough evidence to get a conviction on public property damage, so the fallback charges were for illegal gathering. Following that occurrence, it was widely expected that firm restrictions on demonstrations near certain locations would be imminent. Public debate at that time focused on specific distances from public venues within which demonstrations would be banned, but the new legislation (possibly intentionally) leaves this point unclear. The COR's quick treatment of the amendments has critics steamed, given that public, political debate on the right to assembly has been contentious. However, the Shura's expressed intention to pursue input from political societies and civil society groups has been well received.

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